

SENATE MOTION

MR. PRESIDENT:

I move that Engrossed House Bill 1077 be amended to read as follows:

1 Page 1, between the enacting clause and line 1, begin a new
2 paragraph and insert:

3 “SECTION 1. IC 33-4-7-12 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 12. (a) **Except as**
5 **provided in subsection (b),** a magistrate may:

6 (1) participate in the public employees' retirement fund as
7 provided in IC 5-10.3; or

8 (2) elect to remain in the judges' retirement system under
9 IC 33-13 if the magistrate had previously participated in the
10 system.

11 **(b) A person who serves as a full-time magistrate in an Indiana**
12 **court after June 30, 1999, shall participate in the judges'**
13 **retirement fund under IC 33-13-10.1.**

14 SECTION 2. IC 33-13-8-2 IS AMENDED TO READ AS
15 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. The following words
16 and phrases as used in this chapter, unless different meanings are
17 plainly indicated by their context, shall have the following respective
18 meanings:

19 "Americans with Disabilities Act" refers to the Americans with
20 Disabilities Act (42 U.S.C. 12101 et seq.) and any amendments and
21 regulations related to the Act.

22 "His" and "widow" means "her" and "widower" in the event the
23 participant is a woman.

24 "Fund" means the Indiana judges' retirement fund, the fund created
25 by this chapter.

26 "Board" means the board of trustees of the public employees'
27 retirement fund.

28 "Employer" means the state of Indiana.

29 "Judge" means any person who has served, is serving, or shall
30 serve as a regular judge of any of the following courts:

1 Supreme court of the state of Indiana.
2 Court of appeals of the state of Indiana.
3 Circuit court of any judicial circuit.
4 Superior court of any county or counties.
5 Criminal court of any county having a separate criminal court.
6 Probate court of any county having a separate probate court.
7 Juvenile court of any county having a separate juvenile court.
8 Municipal court of any county.
9 County court of any county or counties.

10 "Participant" means any judge participating in the fund, **or for**
11 **purposes of IC 33-13-10.1, any judge or full-time magistrate**
12 **participating in the fund.**

13 "Services" means the period beginning on the first day upon which
14 any person first became a judge, whether such date is prior or
15 subsequent to March 11, 1953, and ending on the date under
16 consideration, including all intervening employment as a judge,
17 following resignation or expiration of any term of election or
18 appointment. Services in any fraction of a month shall be considered
19 as a month of service. However, no more than one (1) month shall be
20 credited for services in any one (1) calendar month. If a judge is elected
21 or appointed and serves one (1) or more terms or part of a term, then
22 retires from office, but at a later period, or periods, is appointed or
23 elected and serves as judge, the judge shall pay into said fund during
24 all the periods served as judge, except as otherwise provided in this
25 chapter, whether said periods be a connected period or disconnected
26 period, but shall not be required to pay into said fund at any time when
27 the judge is not serving as judge, or during any period of service as a
28 senior judge under IC 33-4-8, except as otherwise provided in this
29 chapter.

30 "Fiscal year" means the period beginning on July 1, in any year,
31 and ending on June 30 of the succeeding year.

32 "Salary" means the total salary paid to any participant by the state
33 of Indiana and by a county or counties, determined without regard to
34 any salary reduction agreement established under Section 125 of the
35 Internal Revenue Code.”.

36 Page 7, after line 28, begin a new paragraph and insert:

37 “SECTION 6. IC 33-13-10.1-3 IS AMENDED TO READ AS
38 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 3. (a) Each person who:

39 (1) begins service as a judge after August 31, 1985; and

40 (2) is then not a participant;

41 shall become a participant in the fund.

42 (b) **A person who serves as a full-time magistrate in an Indiana**
43 **court after June 30, 1999, is a participant in the fund.”.**

- 1 Page 9, line 38, after “judge” insert “**or a full-time magistrate**”.
- 2 Page 9, line 39, after “judge” insert “**or a full-time magistrate**”.
- 3 Page 10, line 5, after “section 1” insert “**or section 3(b)**”.
- 4 Page 10, line 6, after “the” insert “**full-time magistrate or the**”.
- 5 Page 10, line 15, after “judge” insert “**or full-time magistrate**”.
- 6 Page 10, line 17, after “the amount the judge” insert “**or full-time**
- 7 **magistrate**”.
- 8 Page 10, line 17, after “if the judge” insert “**or full-time**
- 9 **magistrate**”.
- 10 Renumber all SECTIONS consecutively.

(Reference is to EHB 1077 as printed March 26, 1999.)

Senator HARRISON